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In The

SUPREME COURT OF THE UNITED STATES

October Term, 1962

THOMAS M. KAVANAGH and EUGENE F. BLACK, Appellants vs. SANFORD A. BROWN, Treasurer of Michigan, et al., Appellees	No. 299

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

MOTION TO AFFIRM

Pursuant to Rule 16, paragraph 1(c) of the Revised Rules of this Court, appellees move that the judgment of the district court be affirmed.

STATEMENT

This is a direct appeal from a final judgment of a three-judge district court dismissing a complaint seeking temporary and permanent injunctive relief against the appellees as fiscal officers of the State of Michigan from their acts of

paying unequal salaries to members of the Michigan Supreme Court. The cause was fully argued and submitted to a statutory three-judge court. No oral testimony was taken. Judgment was entered on July 11, 1962 dismissing the complaint on the merits.

The State Constitution and Statutory Provisions.

Appellants challenge the validity of Section 3, Article XVI of the Michigan Constitution of 1908 on the ground that its provisions deny to the appellants equal protection in violation of the equality clause of the Fourteenth Amendment. Section 3 of Article XVI in its entirety reads:

> "Neither the legislature nor any municipal authority shall grant or authorize extra compensation to any public officer, agent, employe or contractor after the service has been rendered or the contract entered into. Salaries of public officers, except circuit judges, shall not be increased, nor shall the salary of any public officer be decreased, after election or appointment."

Appellants complain that as two members of the eight-member Michigan Supreme Court, all "sworn to equal toil upon the same judicial product," they are discriminated against because the increase in the annual salary of Supreme Court justices authorized in 1960 has become available to five other members of the Court but will not become available to them during the remainder of their respective terms. The predicament in which the appellants find themselves is brought about by another provision of the Michigan Constitution which requires the justices of the Supreme Court to be elected on the basis of staggered terms thereby making it impossible for all the justices to be paid simultaneously at an increased rate, after election. Section 2 of Article VII of Michigan's Constitution of 1908 provides:

> "The supreme court shall consist of 1 chief justice and associate justices, to be chosen by the electors of the state at the regular biennial spring elections; and not more than 2 justices shall go out of office at the same time. The term of office shall be prescribed by law."

By statute, the composition of the Michigan Supreme Court consists of one chief justice and seven associate justices. (Compiled Laws of 1948, Section 601.1; Michigan Statutes Annotated, Section 27.21.) The number remained unchanged throughout the period involved in this cause.

Michigan's organic law has contained provisions against raising or lowering salaries of public officers "since earliest times." Such proscriptions appeared in the Michigan Constitution of 1835; the Constitution of 1850, and the present Constitution of 1908. Attached as Appendix A are quoted pertinent sections from each of the three Constitutions. A schedule showing the salaries paid to justices of Michigan's Supreme Court since the time its was established in its present form is subjoined hereto as Appendix B.

The Michigan legislature made an attempt in 1951 to remove the justices of Michigan's Supreme Court from the no increase limitation of the last sentence of Section 3 of Article XVI of the State Constitution. In that year the legislature passed Joint Resolution No. 3 (Michigan Public Acts 1951, page 592). The Joint Resolution proposed to the people an amendment to the last sentence of Section 3 so that it would read:

> "Salaries of public officers, except supreme court justices and circuit judges, shall not be increased, nor shall the salary of any public officer be decreased, after election or appointment."

The people voted on the proposed amendment at the election of April 2, 1951 and rejected it by a vote of 315,140 Against and 276,632 For. (Michigan Manual 1959-1960, page 80)

In the next year, 1952, the legislature by Act No. 140 amended Section 6 of Chapter 1 of the Judicature Act of 1915 to increase the annual salary of Supreme Court justices from $12,000 per annum to $18,500 per annum. Act No. 140 was given immediate effect and became effective April 24, 1952. It contained a Section 2 reading as follows:

> "Justices of the supreme court in office on the effective date of this amendatory act shall not receive any increase in annual salary until the expiration of their respective terms of office."

In 1957 the Michigan Supreme Court by unanimous action addressed a resolution to the state legislature directing attention to the provisions of Section 3 of Article XVI of the State Constitution prohibiting a salary change from taking effect during a term of office and requesting the assistance of the legislature in adopting the form of a proposed Joint Resolution submitted by the Court seeking to amend Section 2 of Article VII (staggered term requirement) by adding thereto the following additional sentence:

> "Whenever the legislature shall authorize an increase in the salaries of justices, the increase shall become operative at the beginning of the next fiscal year for all justices alike whether authorized before or after their election or appointment."

The communication from the Supreme Court to the state legislature is reported in Michigan Senate Journal 1957, Vol. 1, pp. 128 and 129. It is reproduced as Appendix C attached hereto. The House of Representatives of the Mich-

igan Legislature passed House Joint Resolution "E" embodying the proposal by the Supreme Court to amend Section 2 of Article VII of the State Constitution (Michigan House Journal 1957, Vol. 1, p. 322 et seq.). The resolution was defeated in the Senate. (Senate Journal 1957, Vol. 1, pp. 912, 913)

In 1960 the Michigan legislature by Act No. 163 again amended the Judicature Act of 1915 to increase the annual salary of Supreme Court justices from $18,500 to $25,500. Section 2 appearing in Act No. 163 of 1960 was identical with Section 2 appearing in Act No. 140 of 1952.

Decision Below and Basis Therefor.

Act No. 163 of the Michigan Public Acts of 1960 increasing the salaries of justices of the Supreme Court to $25,500 per annum became effective on August 17, 1960. Appellants, as plaintiffs, filed their complaint on August 11, 1961. Mr. Justice Theodore Souris, a member of the Michigan Supreme Court, began to receive the increased salary on November 9, 1960 after his election and qualification for the balance of an unexpired term. Mr Justice Otis M. Smith was appointed to the Court on October 10, 1961 to fill a vacancy and was compensated at the increased salary. Having been re-elected, Mr. Justice John R. Dethmers and Mr. Justice Harry F. Kelly entered upon new terms of office on January 1, 1962 and began receiving the increase in their former salaries effective on that date. Mr. Justice Paul L. Adams was appointed on January 2, 1962 to fill a vacancy and has always been compensated at an annual rate of $25,500.

The three-judge district court in its opinion gave no credit to Section 2 of Act No. 163, Michigan Public Acts of 1960,

as imposing any additional restriction upon the payment of increased salaries to the justices. The three-judge court treated Section 2 of Act No. 163 as a proviso, and in its opinion disposed of it in this way:

> "We view the proviso as neither adding to nor subtracting from the prohibition contained in Article 16. If Article 16, § 3, is valid, then the proviso is valid; if not, the proviso falls. It has no independent status." (Jurisdictional Statement, page 27)

In deciding the case on its merits, the three-judge district court relied upon the opinions of this Court in the cases of

> *McGowan v. Maryland*, 366 U.S. 420;
>
> *Williamson v. Lee Optical Co.*, 348 U.S. 483;
>
> *Kotch v. Pilot Commissioners*, 330 U.S. 552; and
>
> *Metropolitan Co. v. Brownell*, 294 U.S. 580

as determinative of the issue of the reasonableness of the classification within the equality clause. The three-judge court followed the pronouncements of the Michigan Supreme Court in *Vigelius v. Houghton County Clerk*, 317 Mich. 138 and the Supreme Court of Ohio in *The State, ex rel., Mack, Judge v. Guckenberger, Aud.*, 139 Ohio St. 273, as to the salutary purposes and public policy to be served through the adoption of constitutional restraints upon the increase or decrease of the salaries of public officers during their term of office.

The statutory court concluded its opinion by saying:

> "We are not convinced that an apparently reasonable basis for the alleged discrimination does not exist, or

that the statutory (constitutional) discrimination is invidious. We are unable to say that this provision does not provide equal protection of the laws." (Jurisdictional Statement, page 34).

ARGUMENT

It is admitted that presently a discrimination exists in Michigan in the annual rate of salary being paid to the justices of the Supreme Court in that five of the justices are compensated at the rate of $25,500 per annum while three are still being paid at the former rate of $18,500. Such condition is the inevitable consequence of the thrust of the two Michigan constitutional provisions requiring the election of Supreme Court justices by staggered terms and prohibiting any increase or decrease in salary of public officers after election or appointment. But discrimination in fact is not necessarily invidious or violative of the equality clause and the present disparity is but temporary.

On May 29, 1961 this Court decided the Sunday Closing Cases:

McGowan v. State of Maryland, 366 US 420;

Two Guys From Harrison-Allentown, Inc. v. McGinley, District Attorney, 366 US 582;

Braunfeld v. Brown, Commissioner of Police, 366 US 599;

Gallagher, Chief of Police v. Crown Kosher Super Market of Massachusetts, Inc., 336 US 617.

Mr. Justice Frankfurter filed a separate concurring opinion applicable to all four cases. Concerning the challenge

that the equal protection clause was violated, he announced applicable law in these words—

> "The restricted scope of this Court's review of state regulatory legislation under the Equal Protection Clause is of long standing. Lindsley v. Natural Carbonic Gas Co. 220 US 61, 78, 79, 55 L ed 369, 377, 378, 31 S Ct 337, Ann Cas 1912C 160. The applicable principles are that a state statute may not be struck down as offensive of equal protection in its schemes of classification unless it is obviously arbitrary, and that, except in the case of a statute whose discriminations are so patently without reason that no conceivable situation of fact could be found to justify them, the claimant who challenges the statute bears the burden of affirmative demonstration that in the actual state of facts which surround its operation, its classifications lack rationality." (366 US 534)

The Michigan Supreme Court has upheld the provisions of the Michigan Constitution in the case of *Taylor v. Auditor General*, 360 Mich. 146 (1960) involving a claim by a former judge of a Superior Court for additional salary. Mr. Justice Talbot Smith, writing for the majority of the Michigan Court, said:

> "The adoption of the original constitutional clauses respecting changes in salaries of public officials during their terms of office resulted from interference with the independence of the judiciary through the power of the purse during Revolutionary times. This was one of the principal causes of complaint in this era. The Declaration of Independence itself, setting forth the tyrannies of the English king, asserted that: 'He has made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.'

As a result most State constitutions, as well as the Federal, contain provisions seeking to protect judicial, or, in some cases, all public officials' salaries from alteration, in one form or another, by the legislatures.

"Thus we have, in this State, a constitutional provision forbidding the increase, except for 'circuit judges,' or the decrease, of the salaries of public officers after their election or appointment. Such a provision must inevitably result, in event of salary increases, in subsequent salary differences between judges, other than circuit judges, elected for non-simultaneous terms. There is no doubt, then, that an actual inequality as to salary may exist between those occupying the same office and doing the same work. But is this an unconstitutional inequality, that is to say, an inequality offensive to constitutional principles? That will depend upon the reason and purpose of the provision creating the inequality. Here the constitutional draftsmen must weigh the actual inequality conceded to exist at times against the evils conceivably attendant upon a lack of such provision. The purpose of such provisions, according to Alexander Hamilton, was to restrict the power of the legislature, so that it could 'neither weaken [the public officer's] fortitude by operating on his necessities, nor corrupt his integrity by appealing to his avarice.' Whether such provisions outweigh considerations of arguable injustice to public officials elected for long terms has been a matter of debate, as has the extent or severity of the clause forbidding change.

"But the debate, for us, has been resolved. The constitutional provision against raising or lowering salaries is, as we have noted, a common feature of many State constitutions, including that of our State, as well

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as the Federal. These provisions have been a part of the several constitutions since earliest times. They have been construed again and again, as reference to any standard digest will disclose." (pp. 154, 155, 156)

In the *Taylor* case Mr. Justice Kavanagh concurred in the result on a procedural ground. Mr. Justice Black dissented.

Appellants emphasize that the proscription against salary increases has been added by legislation. Attention is respectfully directed to the fact that the language of Section 2 of Act No. 140 passed in 1952 is identical with the language of Section 2 of Act No. 163 passed in 1960, which the appellants now attack. What motive provoked the legislature to attach the Section 2 proviso to each of these acts is conjectural but it is suggested as a fair and reasonable assumption that the legislature by so doing undertook to make crystal clear its intention of complying with the mandate of the people in their rejection of the 1951 proposed amendment to the Constitution to exempt supreme court justices from the no increase limitation.

Appellants make the point in their Jurisdictional Statement (pages 5 and 6) that the statute as amended by Act No. 163 of 1960 was repealed by the legislature during its session of 1961. In fairness, it is to be observed that the repeal came about as a part of the process of enactment of an entire Revised Judicature Act in Michigan. Michigan Public Act No. 236 of 1961 is known and may be cited as the "Revised Judicature Act of 1961." (Sec. 27A.101 et seq. Michigan Statutes Annotated, published by Callaghan & Company as a separate temporary volume). Michigan's Revised Judicature Act was the product of more than three years of study and drafting by the Joint Committee on

Michigan Procedural Revision composed of justices of the Supreme Court, judges of the inferior courts, and members of the State Bar.

The repeal in the Revised Judicature Act of 1961 of the former statute which had been amended by Act No. 163 of 1960 does not help the appellants so long as the Michigan Constitution of 1908 remains in effect and Section 3 of Article XVI thereof is unchanged. The Michigan Supreme Court by its resolution to the legislature in 1957, the legislature itself by its attempt to pass a joint resolution in the same year and the three-judge district court by its opinion in this cause all took the view that the no increase proscription is a part of Michigan organic law and not the product of legislative enactment. The Joint Committee on Michigan Procedural Revision took the same view.

By their second stated question of the Questions Presented, (Jurisdictional Statement, pages 6 and 7) appellants ask whether the exemption of circuit judges from the no increase provision in Section 3 of Article XVI of Michigan's Constitution, invidiously discriminates against unequally treated members of the Supreme Court. In Michigan the circuit judges are the trial judges. The State is divided into 41 judicial circuits, composed of one or more counties. Circuit judges are elected and the number of such judges varies among the circuits, the greatest number being 18 in Wayne County, where Detroit is located. Circuit judges are compensated by the State at a uniform rate by salary paid from the state treasury. The state-paid salary may be supplemented by additional salary appropriated by the board of supervisors of the county or counties within the judicial circuit. Section 12 of Article VII of the Michigan Constitution of 1908 provides:

"Section 12. Each of the judges of the circuit courts

shall receive a salary payable monthly. In addition to the salary paid from the state treasury, each circuit judge may receive from any county in which he regularly holds court such additional salary as may be determined from time to time by the board of supervisors of the county. In any county where such additional salary is granted it shall be paid at the same rate to all circuit judges regularly holding court therein."

In fixing the county-paid portion of the salary, if any, the board of supervisors is performing a legislative act. *Rathbun v. Board of Supervisors*, 275 Mich. 479, 481.

The foregoing provision was written into Michigan's Constitution of 1908 in recognition of the wide variety of conditions, economic and otherwise, existing between the counties of the State which go to make up the judicial circuits. The wisdom of such a provision was fully discussed in the Constitutional Convention. As an historical reference, we attach hereto as Appendix D pertinent extracts of the Debates on this issue by the delegates to the Constitutional Convention which adopted this constitutional section. Adequate reasons appear in Michigan for the exclusion of circuit judges from the no increase provision of Section 3, nor do these reasons require equal treatment of the members of the Supreme Court. Although the salaries of circuit judges may be increased after election or appointment, they cannot be decreased any more than the salaries of any other public officers. In passing, it may be observed that not one of the circuit judges of the State of Michigan has been named as a party to this suit.

Beginning with the first increase in the annual salaries of Supreme Court justices subsequent to the adoption of the 1908 Constitution, authorized by the legislature in 1921, the State of Michigan has uniformly and without deviation except while under a temporary restraining order

in this cause paid the amount of the increased compensation only to those Justices who have entered upon a new term of office pursuant to election or who have been appointed subsequent to the effective date of the increasing authorization. The Michigan Supreme Court has said, concerning the last sentence of Article [redacted], §3:

> "The mandate applies to all public officers having fixed terms and to all salary-fixing bodies."
>
> *Gillespie v. Board of County Auditors of Oakland County*, 267 Mich. 483, 485.

Up to the time of the present suit, the justices of the Michigan Supreme Court have considered themselves bound by the no increase-decrease provision and have acquiesced in its application to salary increases granted by the legislature. An example of the processing of the 1921 increase of the salary rate from $7,000 to $10,000 is shown on the tabulation marked as Appendix E and attached hereto.

Compensation to a public officer is a matter of statute, not of contract, and is incidental to office. The inequity in salary payments alleged by Justices Kavanagh and Black is a reasonable and necessary result of every prohibition similar to that in the Michigan Constitution against increases of salaries of public officers during their terms. Mr. Justice Van Devanter, writing for this Court, laid down the accepted standards by which classifications are to be tested in his opinion in *Lindsley v. Natural Carbonic Gas Co.*, 220 U.S. 61, 78:

> "The rules • • • are these: 1. The equal-protection clause of the 14th Amendment does not take from the state the power to classify in the adoption of police

laws, but admits of the exercise of a wide scope of discretion in that regard, and avoids what is done only when it is without any reasonable basis, and therefore is purely arbitrary. 2. A classification having some reasonable basis does not offend against that clause merely because it is not made with mathematical nicety, or because in practice it results in some inequality. 3. When the classification in such a law is called in question, if any state of facts reasonably can be conceived that would sustain it, the existence of that state of facts at the time the law was enacted must be assumed. 4. One who assails the classification in such a law must carry the burden of showing that it does not rest upon any reasonable basis, but is essentially arbitrary."

The reasonableness of a no increase-decrease provision as applied to the salaries of public officers elected or appointed for a fixed term seems obvious. Fundamentally it is a control of the power to reward or to punish during the incumbent's term through the device of salary adjustment.

In Michigan, the Supreme Court in discussing Section 3 of Article XVI, has said:

"The inhibition against the raising or lowering of salaries applies only to the definite, and not to the indefinite term of an offical. * * * One of the reasons for the rule that an official's salary cannot be reduced during his definite term is to prevent the use of an indirect method to discharge an official during such term by the subterfuge of reducing his salary."

Bodell v. City of Battle Creek, 270 Mich. 445, 447, 448.

In the later case of *Drolshagen v. County of Wayne*, 283 Mich. 569, the Michigan Supreme Court was equally divided on the issue before it as to whether the register of probate held a definite or indefinite term of office because the probate judge had the power to remove him at will. In the opinion of Mr. Justice Butzel the reasoning quoted above from *Bodell v. City of Battle Creek* was followed and expanded:

> "Where it is shown that a public officer may be removed at the pleasure of the officer who appointed him and who must have complete control over his actions and conduct, there is no reason for prohibiting an alteration in his compensation. Since control may be exercised over his actions directly by removal, it cannot be complained that the indirect exercise of such power, by reduction in salary, is improper. If the officer is unwilling to accept a reduction, he may resign. If he is not willing to do either, he may be discharged for that reason alone." (p. 576)

Appellees respectfully submit that the Michigan constitutional provisions against salary increases to public officers and requiring Supreme Court justices to be elected by staggered terms are not obviously arbitrary and so patently without reason that no conceivable situation of fact can be found to justify them. The burden of showing invidious discrimination is upon the appellants and in this they have failed.

Recently this Court in the majority opinion written by Mr. Justice Clark in the case of *David Beck v. Washington*, 369 U.S. 541, 558, decided May 14, 1962, quoted with approval from *United States ex rel. Darcy v. Handy*, 351 U.S. 454, 462, as follows:

> "'While this Court stands ready to correct violations of constitutional rights, it also holds that "it is not asking too much that the burden of showing essential unfairness be sustained by him who claims such injustice and seeks to have the result set aside, and that it be sustained not as a matter of speculation but as a demonstrable reality." *United States ex rel. Darcy v. Handy*, 351 U.S. 454, 462 (1956). This burden has not been met.'"

We add that the quotation from the *Handy* case finds its origin in *Adams v. United States*, 317 U.S. 269, 281, in the opinion written by Mr. Justice Frankfurter:

> "If the result of the adjudicatory process is not to be set at naught, it is not asking too much that the burden of showing essential unfairness be sustained by him who claims such injustice and seeks to have the result set aside, and that it be sustained not as a matter of speculation but as a demonstrable reality."

We recognize that the above quotations appeared where the asserted claim was lack of due process but we can conceive of no reason why the same standard should not be applied where the challenge is predicated on the equality clause.

CONCLUSION

The decision below is correct and this appeal presents no question warranting plenary review by this Court. The judgment of the three-judge district court should be affirmed.

Respectfully submitted,

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For Appellees

The Capitol, Lansing, Michigan

August 1962.

APPENDIX A

SET FORTH BELOW ARE THE PERTINENT SECTIONS FROM THE THREE MICHIGAN CONSTITUTIONS SHOWING THE DEVELOPMENT AND PATTERN OF THE CONSTITUTIONAL RESTRICTIONS AGAINST INCREASING OR DECREASING THE SALARY OF PUBLIC OFFICERS DURING THEIR TERM OF OFFICE.

CONSTITUTION OF 1835

The Constitution of 1835 contained no "catch-all" provision regarding increasing or diminishing salaries of public officers during their term of office. It did say:

1. Members of the legislature—Article IV, Section 18

"The members of the legislature shall receive for their services, a compensation to be ascertained by law, and paid out of the public treasury; but no increase of the compensation shall take effect during the term for which the members of either house shall have been elected; and such compensation shall never exceed three dollars a day."

2. Governor—Article V, Section 18

"The governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he has been elected."

3. Supreme Court Judges—Article VI, Section 2

"The judges of the supreme court shall hold their offices for the term of seven years; they shall be nominated, and by and with the advice and consent of the senate, appointed by the governor. They shall receive an adequate compensation, which shall not be diminished during their continuance in office. But they shall receive no fees nor perquisites of office, nor hold any other office of profit or trust under the authority of this state or of the United States."

CONSTITUTION OF 1850

1. Circuit Judges—Article VI, Section 6

"The State shall be divided into judicial circuits, in each of which the electors thereof shall elect one circuit judge who shall hold his office for the term of six years, and until his successor is elected and qualified. The legislature may provide for the election of more than one circuit judge in the judicial circuit in which the city of Detroit is or may be situated, and in the judicial circuit in which the county of Saginaw is or may be situated, and in the judicial circuit in which the county of Kent is or may be situated, and in the judicial circuit in which the county of St. Clair is or may be situated. And the circuit judge or judges of such circuits, in addition to the salary provided by the constitution, shall receive from their respective counties such additional salary as may from time to time be fixed and determined by the board of supervisors of said county. And the board of supervisors of each county in the Upper Peninsula, and in the counties of Bay, Washtenaw, Genesee,

Ingham and Jackson and the counties in the judicial circuit in which the county of Isabella is or may be situated in the Lower Peninsula, is hereby authorized and empowered to give and to pay the circuit judge of the judicial circuit to which said county is attached, such additional salary or compensation as may from time to time be fixed and determined by such board of supervisors. This section as amended shall take effect from the time of its adoption."

2. Salaries of state officers—Article IX, Section 1

"The governor shall receive an annual salary of four thousand dollars; the judges of the circuit court shall each receive an annual salary of two thousand five hundred dollars; the state treasurer shall receive an annual salary of one thousand dollars; the superintendent of public instruction shall receive an annual salary of one thousand dollars; the secretary of state shall receive an annual salary of eight hundred dollars; the commissioner of the land office shall receive an annual salary of eight hundred dollars; the attorney general shall receive an annual salary of eight hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their office. It shall not be competent for the legislature to increase the salaries herein provided."

3. County officials—Article X, Section 10

"The board of supervisors, or in the counties of Saginaw, Jackson, Washtenaw, Kent, Wayne, Genesee, Bay, Cheboygan and St. Clair the board of county auditors, shall have the exclusive power to fix the compensation for all services rendered for and to adjust all claims against their respective counties, and

the sums so fixed and defined shall be subject to no appeal."

4. Increases or decreases prohibited during term—Schedule, Section 20

"The salaries or compensation of all persons holding office under the present constitution shall continue to be the same as now provided by law, until superseded by their successors elected or appointed under this constitution; and it shall not be lawful hereafter for the legislature to increase or diminish the compensation of any officer during the term for which he is elected or appointed."

CONSTITUTION OF 1908

1. Members of the legislature—Article V, Section 9 in the original Constitution read:

"The compensation of the members of the legislature shall be eight hundred dollars for the regular session. When convened in extra session their compensation shall be five dollars per day for the first twenty days and nothing thereafter. Members shall be entitled to ten cents per mile and no more for one round trip to each regular and special session of the legislature by the usually traveled route. * * *"

The foregoing section has been amended twice. In its present form it reads:

"The compensation and expenses of the members of the legislature shall be determined by law: Provided, That no change in compensation or expenses shall be

effective during the term of office for which the legislature making the change was elected. * * *"

2. Salaries of state officers—Article VI, Section 21 in the original Constitution read:

"The governor and attorney general shall each receive an annual salary of five thousand dollars. The secretary of state, state treasurer, commissioner of the state land office and auditor general shall each receive an annual salary of twenty-five hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with the offices. It shall not be competent for the legislature to increase the salaries herein provided."

The foregoing section was amended in 1948 and in its present form reads:

"The governor, secretary of state, state treasurer, auditor general, and attorney general shall each receive such compensation as shall be prescribed by law which shall be in full for all services performed and expenses incurred during his term of office: Provided, That the same shall not be changed during the term of office for which elected."

3. Circuit Court judges—Article VII, Section 12

"Each of the judges of the circuit courts shall receive a salary payable monthly. In addition to the salary paid from the state treasury, each circuit judge may receive from any county in which he regularly holds court such additional salary as may be determined from time to time by the board of supervisors of the county. In any county where such additional

salary is granted it shall be paid at the same rate to all circuit judges regularly holding court therein."

APPENDIX B

SCHEDULE OF SALARIES PAID TO SUPREME COURT JUSTICES

Year	Annual Salary	Statutory Authorization
1857	$ 2,500.00 each	Laws of 1857, p. 393, §14; CL 1857 §3378
1873	$ 4,000.00 each	Laws of 1873, p. 1; Howell's Annotated Statutes, Vol. II, §6393
1887	$ 5,000.00 each	PA 1887, Act No. 96
1893	$ 7,000.00 each	PA 1893, Act No. 182
1915	Section 6 of Chapter 1 of the Judicature Act of 1915 (being Act No. 314) fixed the salary of each justice at $7,000.00 annually. The subsequent acts increasing the amount of the salary amend Section 6 of Chapter 1.	
1921	$10,000.00 each	PA 1921, Act No. 345
1929	$12,000.00 each	PA 1929, Act No. 20; CL 1929 §13532
1952	$18,500.00 each	PA 1952, Act No. 140

Explanatory note: This act contained a Section 2 reading as follows:

"Justices of the supreme court in office on the effective date of this amendatory act shall not receive any

increase in annual salary until the expiration of their respective terms of office."

1960 $25,500.00 each PA 1960, Act No. 163

Explanatory note: This act contained a Section 2 reading as follows:

"Justices of the supreme court in office on the effective date of this amendatory act shall not receive any increase in annual salary until the expiration of their respective terms of office."

APPENDIX C

Extract from Michigan Senate Journal 1957, Vol. 1, pages 128, 129.

"Communications from State Officers.

"The following communication was received and read:

Supreme Court, Lansing, Michigan,
February 4, 1957.

To the Members of the Legislature:

"This Court, by unanimous action, authorized submission to you of the annexed proposed Joint Resolution No. 1, proposing a constitutional amendment to equalize the salaries of Justices of the Supreme Court.

"Currently two, and in recent times three different salary scales have been been in effect for different members of this Court. With eight year, staggered

terms it is inevitable that that situation will obtain for a number of years following each salary change, because of the provision of Section 3 of Article 16 of the state Constitution prohibiting such change from taking effect during term of office. The proposed amendment herewith submitted would correct that situation and serve to equalize the salaries of all members of the Court by making any increase applicable to all at the same time at the beginning of the next fiscal year.

"It is manifestly inequitable and improper that the amount of compensation paid some Justices should differ from that paid others for performance of the same service. Furthermore, the rapidity of economic change since World War II and extent thereof occurring within a span of eight years are such that adequate compensation at the outset of an eight year term becomes grossly inadequate long before its expiration. The last increase in salaries of Justices of this Court, in 1952, had hardly begun to place them on an equality with those of the Wayne County Circuit Judges when quickly ensuing increases of the latter had left salaries on this Court $6,500.00 below those of that Court and, as well, $5,000.00 below those of the Oakland Circuit Judges and $500.00 below those in Macomb. As appears from the 1956-57 issue of the Book of the States, in no other state in the Union, except perhaps Texas, are salaries of the lower courts equal to or in excess of those of the state's court of last resort.

"We earnestly bespeak the assistance of the Legislature by its adoption of the attached Joint Resolution No. 1.

"Also attached is a second proposed Joint Resolution proposing a constitutional amendment authorizing the

temporary assignment, by this Court, of retired Circuit Judges, with their consent, for special service to circuits where assistance is needed. This would accomplish the utilization of available judicial skills in circuits where case loads require additional judicial services, thus saving taxpayers the cost of permanently added judges and Courts. This is submitted with no thought of advantage to this Court or even to the retired Judges affected, but only in the interests of better, more efficient and more economical service to the public.

Respectfully

JOHN R. DETHMERS,
Chief Justice."

"No. 1.

"A joint resolution proposing an amendment to section 2 of article 7 of the state constitution, to equalize the salaries of Justices of the Supreme Court.

"Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to section 2 of article 7 of the state constitution to equalize the salaries of Justices of the Supreme Court, is hereby proposed, agreed to and submitted to the people of this state:

Article VII

"Sec. 2. The Supreme Court shall consist of one chief justice and associate justices, to be chosen by the electors of the state at the regular biennial spring elections; and not more than two justices shall go out of office at the same time. The term of office shall be prescribed by law. WHENEVER THE LEGISLATURE

SHALL AUTHORIZE AN INCREASE IN THE SALARIES OF JUSTICES, THE INCREASE SHALL BECOME OPERATIVE AT THE BEGINNING OF THE NEXT FISCAL YEAR FOR ALL JUSTICES ALIKE WHETHER AUTHORIZED BEFORE OR AFTER THEIR ELECTION OR APPOINTMENT."

• • •

[Proposed Joint Resolution No. 2 submitted by the Supreme Court related to a constitutional amendment authorizing temporary assignment by the Supreme Court of retired Circuit Judges to special service in circuits where assistance is needed. Not being pertinent, it is omitted.]

APPENDIX D

The following extracts are taken from the Debates of the Michigan Constitutional Convention of 1907-08.

The Committee on Arrangement and Phraseology proposed to the Convention a revised section to be incorporated in the new Constitution and to read as follows:

"Sec. ___. Neither the legislature nor any municipal authority shall grant or authorize extra compensation to any public officer, agent, employe or contractor after the service has been rendered or the contract entered into. Salaries of public officers shall neither be increased nor decreased after their election or appointment."

In the debates that followed on the floor of the Convention it was said:

"MR. KNOWLES: Mr. President, I move to strike out the entire clause two of this proposal.

"The question being on the motion,

"MR. KNOWLES said: Mr. President and gentlemen of the Convention: I am rather reluctant to suggest any changes to any proposal that comes out from the committee, but it seems to me that this clause if passed will bring about a very serious mistake. 'Salaries of public officers shall neither be increased nor diminished after their election or appointment.'

"By referring to Section 6 of Article VI of the old Constitution, we find that in this article the legislature is given power for the election of more than one circuit judge in a judicial circuit in which the city of Detroit is situated, in which Saginaw is situated, and in which Grand Rapids is situated, as well as St. Clair county. This provision goes on to state that 'the circuit judge or judges of such circuits, in addition to the salary provided by the Constitution, shall receive from their respective counties such additional salary as may from time to time be fixed and determined by the board of supervisors of said county.' Amendments have been made to this Constitution at various times; in the same section the board of supervisors of each county in the Upper Peninsula and in the counties of Bay, Washtenaw, Ingham, Genesee and Jackson, and the counties in the judicial circuit in which the county of Isabella is or may be situated, have this same provision.

"The people of the state considered it of sufficient importance to amend the Constitution in all of these cases and give the judges additional salaries so that at the present time we have in the state of Michigan

twenty-three circuit judges who are receiving additional salaries, I mean over and above the twenty-five hundred dollars provided for in this Constitution. It seems to me that if this clause two is adopted it will interfere with additional salaries being paid to judges. The proposal which has been reported today by the Judiciary Committee, as a recommendation of the alteration of Section 6 Article VI for the new Constitution will provide that the legislature may sanction the election of more than one circuit judge in any judicial circuit, and that each circuit judge, in addition to the salary provided by the state, may receive from the respective counties comprising such circuit, such additional salary as may from time to time be determined by the boards of supervisors of said counties. In other words, it places Section 6 Article VI in such a way that if at any time a judge should receive an additional salary, as twenty-three of our judges do now receive, the board of supervisors may vote this extra compensation without an amendment to the Constitution. If that is to be a provision in the new Constitution, certainly then clause two which states that 'Salaries of public officers shall neither be increased nor diminished after their election or appointment,' will conflict with it. I make my motion to strike out this clause and leave the proposal in the same condition as it was in the old Constitution, which will allow the boards of supervisors to vote additional salary for circuit judges.

"MR. H. M. CAMPBELL: Mr. President, when the question was asked of me as chairman of the Committee on Legislative Department, as to what the effect would be of this provision upon the proposal which Mr. Knowles has just referred to as being under consideration, I was unable to answer him because I had not then seen either proposal. Since that time, however, I

have examined the proposal, and I am inclined to think there might be a serious doubt as to whether it would not conflict with this section if permitted to remain as reported out by the committee. I think that all of us recognize the desirability of permitting the salaries of circuit judges to be increased in the manner in which this proposal which is now before the Judiciary Committee contemplates; and I can see no harm, and in fact I can see a decided advantage in striking out this clause two as proposed by Mr. Knowles in order to accomplish that purpose.

"MR. SNOW: Mr. President, to obviate the difficulty suggested by Mr. Knowles I move as an amendment to the amendment that after the words 'public officers' there be inserted the words 'except circuit judges.' So that clause two will then read: 'Salaries of public officers, except circuit judges, shall neither be increased nor diminished after their election or appointment.'

"It is seriously contended that this would conflict with the provision that permits circuit judges' salaries to be raised, or additional compensation to be given them, but for that reason clause two ought not to be striken out entirely, because it is a good provision, and if it does conflict with it this would obviate the conflict, and in my opinion it should be passed with the provision inserted.

"THE PRESIDENT: The question is on the amendment of the gentleman from Saginaw (Mr. Snow).

"MR. HEALD: Mr. President and gentlemen of the Convention: I hope that neither the amendment nor the amendment to the amendment will prevail.

"In Kent county the circuit judges receive additional compensation from the board of supervisors. If this clause two remains in the proposal as it is at present, I think you will agree with me that before the circuit judges were elected in Kent county or any other county that the board of supervisors might provide additional compensation for that circuit judge; and then all during his term he would be entitled to receive that compensation instead of feeling that he was subject to the whims of the board of supervisors in the matter of decreasing it, or subject to the whims of the board to have it increased. I see no conflict in that provision with the principle that the board of supervisors before the election of that circuit judge may fix extra compensation for him, and after his election that the board may neither decrease it nor increase it. I think that it is a good principle to have in the Constitution, and that neither this amendment nor the amendment to it should prevail.

"MR. BURTON: Mr. President, it seems to me that before the judge is elected or when he is elected that the salary should be fixed, that is the additional salary that he shall receive from the board of supervisors; that he should be content with that salary during the term of his office; he knows what it is, and he knows if this provision stands that he can do no work that will increase his salary; nor can the board of supervisors decrease it. It is very probable that the old provision regarding the election of judges will be entirely remodeled, so if there is any real reason for making an exception in the case of judges it might be done in that provision and not in this.

"There was undoubtedly an effort on the part of the Constitution-makers of 1850 to have this provision incorporated in the Constitution. It is in there in just as

plain words as the English language can make it; 'It shall not be lawful hereafter for the legislature to increase or diminish the compensation of any officer during his term of office for which he is elected or appointed,' and it took mighty strong effort on the part of the judges of the supreme court to say that that was a temporary and not a permanent article in this Constitution.

[Note: The Supreme Court had considered this question in the following cases:

The People ex rel. Douvielle v. Manistee Supervisors (1879), 40 Mich. 585;

Hudson v. Attorney General (1907), 150 Mich. 67]

"We in Wayne county have felt the effects of the lack of this provision in the Constitution, in having our officials elected and then after they were elected, after they knew what their salaries were, going to the legislature and getting their salaries increased. There never has been an attempt, so far as I know, to have the salary decreased. I think the provision ought to stand just as it is, just as we have it.

"MR. POST: Mr. President, I agree with the principle as stated by the gentleman from Kent (Mr. Heald) but I have in mind this idea, that perhaps under the recent amendments to the Constitution some of the circuit judges in the circuit, for instance, in which Isabella county is located, have not yet taken advantage of the provisions; and the boards of supervisors of that circuit might desire to fix that salary before another election. In other words the judge of that circuit is now on his term of office, and supposing the board of super-

visors at the January session of the board should desire to raise his salary a thousand dollars—they do desire to do it, and in fact are contemplating doing it—but this is only an illustration—they would be barred from doing it under the proposal as it stands at present. That is the only objection I have to it. I think, however, that the argument advanced by the gentleman from Kent (Mr. Heald) is correct; that the proposal is all right as it stands unless it may interfere with some of those circuits to which the right to increase the compensation by the board of supervisors is given under the present Constitution.

"MR. HEALD: Mr. President, if this Constitution is adopted it will not go into effect until a year from the present January, and the board of supervisors would have until a year from now, when the Constitution would go into effect, to raise the salary if it wished to.

"MR. WATSON: Mr. President, I hope that the amendment to the amendment will prevail.

"I call attention to the fact that in the Upper Peninsula the judicial circuits are composed of several counties. Now, the greater part of the compensation paid to our circuit judges comes in the nature of extra compensation voted by the boards of supervisors, and if this proposal were to be passed as it stands now, a circuit judge after election would be barred from receiving such extra compensation. In order to get the boards of supervisors of the several counties comprising a judicial circuit to act in unison in providing extra compensation before election of a circuit judge it would be necessary for someone to have it in mind in order to have it done. Now, there is no officer of the judicial circuit that would have any interest in the matter unless it be some volunteer, except the circuit judge himself;

and it would put him in rather an unenviable position to go around the circuit seeking to have his compensation fixed. No circuit judge would do it. Furthermore it has been the practice of the boards of supervisors to fix the salaries of officers once every two years, and when these salaries are fixed the compensation of the circuit judge is also fixed. Unless there is a special provision made in this Constitution I do not think the boards of supervisors would feel justified in binding their successors for six years. It therefore would be necessary to except circuit judges in order to give our circuit judges in the Upper Peninsula and other circuit judges permission under the Constitution to enjoy that extra compensation. I do not think any harm will come from excepting circuit judges from this provision. I sincerely hope that the amendment to the amendment will prevail.

"MR. FYFE: Mr. President, I rise only because of the fear I have that this clause will affect the circuit judges of the state adversely. The term is a long one, —six years—the salary is twenty-five hundred dollars. It is scarcely possible for the judges to take care of their families on that salary and the board of supervisors of a large number of counties have added to the amount. The Judiciary Committee has carried out that idea, and in one of the reports made by that committee it provides that extra compensation may be given to those judges just as the old Constitution provided in the several instances mentioned therein. It is true that when a judge is elected he knows what he is going to get, that he is to draw twenty-five hundred dollars. The term is long, however. Many changes may occur in the business of the circuit during that time. No matter what changes do occur, the salary can neither be increased nor diminished during that period. That circuit judge,

as my brother Watson has suggested, would not take upon himself the duty—and it would be a duty really—of interviewing the boards of supervisors and having his salary increased for the next six years. A new judge could not possibly do that. The result would be that the salaries of those judges that are now fixed at twenty-five hundred dollars would remain at that figure for an indefinite number of years. It would simply compel those judges to accept that salary and to continue to take it without any increase upon the part of the board of supervisors, no matter what increase of expense or of business might arise during the term. I think one or the other of the two amendments ought to be carried.

"MR. HALL: Mr. President, I trust this proposal will pass as it has been reported out.

"Judges, when they accept their office, know what they have to depend upon. I think the idea of the supervisors or anyone else adding to the salary is wrong. Should some one volunteer in behalf of the judge to have the supervisors act in the matter, the judge necessarily feels kindly towards such person, and such a person perhaps living in the circuit might have an undue advantage over others. Let the salary be fixed, and let the judge accept it as it is or allow some one else to take the office.

"MR. FLANNIGAN: Mr. President, we have listened to the objections to a constitutional clause that shall prevent a board of supervisors from either increasing or diminishing the amount of extra compensation of a circuit judge during the term of his office. I am in entire sympathy with the effort to prevent boards of supervisors from disturbing a circuit judge's salary so far as decreasing it is concerned. It is more important that this provision of the Constitution be framed

so as to prevent the boards of supervisors from decreasing the salary of the circuit judge as it is to permit an increase of such salary during the term of the office of the judge. That thought has not entered into the provision at all. We do not know how the Judiciary Committee has treated the subject of extra compensation for circuit judges. It would strike me that before we dispose of the proposal now under consideration we ought to see the report of the committee on that subject; and if it is in order I move that this proposal be passed for the day, and in the meantime I suppose we will be able to see the report which is in the hands of the secretary.

"THE PRESIDENT: The motion is in order if the gentleman desires to make it.

"MR. FLANNIGAN: I do make it, Mr. President.

"The question being taken on the motion of Mr. Flannigan, the motion was agreed to."

[Constitutional Debates, Vol. 1, pp. 448, 449, 450, 451]

When the matter came up for consideration on the next day, January 1, 1908, the following transpired:

"THE PRESIDENT: This proposal was read for the second time yesterday, and a motion was made by Mr. Knowles to strike out clause two. Mr. Snow moved to amend by inserting the words 'except circuit judges' after the word 'officers' in line seven. When the matter was passed the question was on the amendment offered by Mr. Snow, the amendment taking precedence of the motion to strike out. The question is on the amendment.

"MR. FLANNIGAN: Mr. President, I desire to offer the following amendment:

"(Read by the secretary): Substitute for clause two, File 133, 'Salaries of public officers except circuit judges shall not be increased, nor shall the salary of any public officer be decreased, after their election or appointment.'

"The question being on the amendment,

"MR. FLANNIGAN said: Mr. President, this substitute has been submitted to both Mr. Knowles and Mr. Snow, and is satisfactory to those gentlemen. It is designed, in the substitute, to prevent the supervisors from decreasing the salaries of circuit judges during their term of office.

"THE PRESIDENT: Does the gentleman from Saginaw (Mr. Snow) withdraw his amendment?

"MR. SNOW: Yes, Mr. President, I withdraw my amendment.

"THE PRESIDENT: The gentleman from Charlevoix (Mr. Knowles) does he also withdraw his motion?

"MR. KNOWLES: Yes.

"THE PRESIDENT: The question then is on the substitute offered by the gentleman from Dickinson, Mr. Flannigan.

"MR. BURTON: Mr. President, I cannot understand the necessity for excepting circuit judges from this provision. Are circuit judges any better than anybody

else? Is there any reason why a circuit judge should not have his salary fixed the same as any other employe? It has been said here that the circuit judge holds his office for six years, and that is a long period. Why, we hire men all the time for longer periods than six years, and we fix the salaries they are to receive, beforehand—in advance. The matter of their salary is talked over with them, and they agree to it: Is there any reason why circuit judges should not do this as well as any other individual? Before the election takes place practically, which is in November, the boards of supervisors meet, and they fix the salary or the portion of the salary that each county is to pay in excess of the salary paid by the state to circuit judges, for the succeeding year. When a circuit judge comes up for election the salary has been fixed, and he knows what it will be for the succeeding six years, and he knows that that salary will not be increased during that period, and he knows that it will not and cannot be decreased during that period. A circuit judge is no better than any other employe. If his salary is to fluctuate, to be more this year and less the next, during the entire time that he is in office, he may go to the board of supervisors each year and 'log-roll,' and get the board to increase the salary, and there will be people around him and around the board of supervisors asking the board to increase his salary, and there will thus be an inducement held out to the judge to decide cases in favor of the party who helps him as against the man who does not help him. It is only right that this salary should be fixed in advance, and he should know what it is, and also know that it will not be diminished during his term of office.

"MR. FLANNIGAN: Mr. President, satisfactory reasons why the boards of supervisors should be permitted to increase the salary of a circuit judge during

his term of office were given to the Convention yesterday. I got into the discussion of this matter on the question of the authority of the board of supervisors to decrease the salary of a circuit judge during his term of office. I am satisfied they should not have that authority. I have in mind, Mr. President, one instance which occurred within my own knowledge in the state of Michigan. A minister of the gospel who was inclined to enforce the observance of the liquor law walked on the public street of a certain city in this state and looked through the windows of a saloon for the purpose of observing whether or not that saloon was illegally open. The proprietor, a great big burly saloon-keeper, saw the minister looking into the window; he walked out of his saloon and assaulted that minister on the street, abusing him most shamefully. He was arrested for assault with intent to do great bodily harm less than the crime of murder. Unfortunately, (or perhaps it would have made no difference with the result) at any rate the circuit judge could not find evidence enough in the case to warrant his submitting the question to the jury whether or not this man was guilty of assault with intent to do great bodily harm; but that he assaulted the minister and threw him down on the street there was no question; nobody denied that in the case. The jury was finally sent out for the purpose of determining whether or not this saloon-keeper was guilty of assault and battery. The jury was out a long time and was unable to agree. The circuit judge called the jury in, and in very plain language intimated that there could be no question but what this man was guilty of assault and battery. The jury was sent back to their jury room, and after a time returned into court with a verdict of not guilty. Upon that result being announced in the court room the judge said some sharp words to the jury, and not only discharged it from the consideration of that

particular case but discharged it for the remainder of the term. Upon that panel there happened to be two or three supervisors, and I believe one or two men who had influence with the board of supervisors. So at the next meeting of the board of supervisors of that county the extra compensation voted by the county to the circuit judge was cut off.

"Now, gentlemen of the Convention, do we wish to leave the constitutional provision in shape to admit of another such attack on any circuit judge?

"THE PRESIDENT: The question is on the substitute offered by the gentleman from Dickinson (Mr. Flannigan).

"The question was taken on the substitute and upon a division, yeas 47, nays 29, the substitute was agreed to.

"THE PRESIDENT: The question is on the passage of the proposal as amended.

"The question being taken on the passage of the proposal as amended, there were yeas 72, nays 13 as follows:

" • • • • "

[Constitutional Debates, Vol. 1, pp. 468, 469]

APPENDIX E

The first increase after the adoption of the 1908 Constitution was in the year 1921 when the salary was raised to $10,000 per annum. Although the 1921 act contained no provision that justices of the Supreme Court should not receive the increase until the expiration of their respective terms, the provisions of Section 3 of Article XVI were obeyed as appears from the following tabulation:

APPENDIX E.

Supreme Court Justices[1]	Date Elected or Appointed	Date Term Expires	Date Left Office	Annual Salary Rate Paid to Supreme Court Justices[2]						
				1922	1923	1924	1925	1926	1927	1928
Bird	April, 1919	1928	Feb., 1928	$ 7,000	$ 7,000	$ 7,000	$ 7,000	$ 7,000	$ 7,000	$ .....
	April, 1927	1934								
Sharp (Nelson)	Oct., 1919	1928	.....	7,000	7,000	7,000	7,000	7,000	7,000	10,000
	April, 1927	1934								
(a) Potter	Feb., 1928	1934	.....	.....	.....	.....	.....	.....	.....	10,000
Steere	April, 1921	1930	Oct., 1927	7,000	7,000	7,000	7,000	7,000	7,000	.....
Moore	April, 1921	1930	Jan., 1926	7,000	7,000	7,000	7,000	7,000	.....	.....
(b) Snow	Jan., 1926	1930	Oct., 1927	.....	.....	.....	.....	10,000	10,000	.....
(c) North	Oct., 1927	1930	.....	.....	.....	.....	.....	.....	.....	10,000
(d) Flannigan	Oct., 1927	1930	Feb., 1928	.....	.....	.....	.....	.....	.....	.....
(e) Fead	Mar., 1928	1930	.....	.....	.....	.....	.....	.....	.....	10,000
Fellows	Jan., 1917	1924	.....	7,000	7,000	10,000	10,000	10,000	10,000	10,000
	April, 1923	1932								
Wiest	Jan., 1921	1924	.....	7,000	7,000	10,000	10,000	10,000	10,000	10,000
	April, 1923	1932								
Clark	Jan., 1920	1926	.....	7,000	7,000	7,000	7,000	10,000	10,000	10,000
	April, 1925	1934								
Stone	April, 1917	1926	Mar., 1922	7,000						
(f) McDonald	Mar., 1922	1926	.....	10,000	10,000	10,000	10,000	10,000	10,000	10,000
	April, 1925	1934								

[1] The information as to the members of the Supreme Court, the applicable dates of their election or appointment, and the length of their respective terms is taken from Michigan State Bar Journal, Vol. 17, No. 7, September, 1938, pages 360-366.

[2] The information as to the salary payments in the respective years is taken from the published *Reports of the Auditor General* for the period 1922-1928.

(a) Succeeded Bird in Feb., 1928.
(b) Succeeded Moore in Jan., 1926.
(c) Succeeded Snow in Oct., 1927.
(d) Succeeded Steere in Oct., 1927.
(e) Succeeded Flannigan in Feb., 1928.
(f) Succeeded Stone in March, 1922.